

State of Wisconsin



2015 Senate Bill 360

Date of enactment:
Date of publication*:

2015 WISCONSIN ACT

AN ACT relating to: modifying and repealing various rules promulgated by the Department of Transportation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Trans 28.04 (2) of the administrative code is amended to read:

Trans 28.04 (2) Eligible projects shall be located only in Great Lakes or Mississippi River system harbors where vessels take on or discharge a combined total of more than 1,000 tons of commercial cargo per year; where commercial, naval or recreational vessels are built; where passenger or vehicle-carrying ferry service connects the Wisconsin communities along the Great Lakes and Mississippi River, or connects the Wisconsin mainland with other states, Canadian provinces or populated islands in Wisconsin or where commercial fishing vessels unload fish. The U.S. ~~army corps of engineers~~ Army Corps of Engineers' annual tonnage figures shall be the basis for the tonnage determination; where tonnage figures are not available, the eligible applicant shall provide tonnage figures based on auditable records.

SECTION 2. Trans 28.06 (1) of the administrative code is amended to read:

Trans 28.06 (1) The department shall annually establish deadlines for filing harbor assistance project applications and shall give appropriate notice of the deadlines. Notice shall be by regular or electronic mail, sent to every eligible applicant that has met the planning requirements under s. Trans 28.10. The department shall issue notice of the grant awards within 180 days after an application

deadline. No grant funds may be committed to an eligible applicant until a grant agreement is negotiated and signed by the department and the eligible applicant.

SECTION 3. Trans 28.07 (2) of the administrative code is amended to read:

Trans 28.07 (2) For projects funded in part by the U.S. ~~army corps of engineers~~ Army Corps of Engineers, the state share may not exceed 50% of the ~~non-federal~~ nonfederal share of the project costs.

SECTION 4. Trans 28.07 (3) of the administrative code is amended to read:

Trans 28.07 (3) For projects with federal funding, other than those projects funded in part by the U.S. ~~army corps of engineers~~ Army Corps of Engineers as described in sub. (2), the state share may not exceed 80% of the ~~non-federal~~ nonfederal share of project costs; furthermore, the minimum eligible applicant share shall be no less than 10% of project costs.

SECTION 5. Trans 28.09 (4) of the administrative code is amended to read:

Trans 28.09 (4) The eligible applicant shall submit an application to the department by August 1 in order to receive primary consideration for funding during the following calendar year. If funds are available, applications may be submitted by March 15, 1985, and by February August 1 of each year thereafter, for funding in the same calendar year. The department may waive the requirements in this subsection for emergency repair projects.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

SECTION 6. Trans 31.02 (2) of the administrative code is renumbered Trans 31.02 (15m) and amended to read:

Trans 31.02 (15m) “BR&H RHS” means the ~~bureau~~ of railroads and harbors section within the department.

SECTION 7. Trans 31.03 (1) (note) of the administrative code is amended to read:

Trans 31.03 (1) (note) Applications may be submitted to BR&H RHS, 4802 Sheboygan Avenue, P. O. Box 7914, Madison, Wisconsin 53707-7914.

SECTION 8. Trans 31.03 (5) (a) of the administrative code is amended to read:

Trans 31.03 (5) (a) BR&H RHS shall review an application and notify the applicant of approval or denial of the application within 21 days following receipt of a complete application.

SECTION 9. Trans 31.03 (5) (c) of the administrative code is amended to read:

Trans 31.03 (5) (c) BR&H RHS may require additional information from an applicant to complete its review of an application. If an application is received at least 45 days prior to the date of the first planned operation, BR&H RHS shall have 21 days from the receipt of the additional information to render its decision about the application.

SECTION 10. Trans 31.03 (5) (d) of the administrative code is amended to read:

Trans 31.03 (5) (d) BR&H RHS shall notify an applicant in writing of all deficiencies in an application, and the reasons for a denial.

SECTION 11. Trans 31.03 (6) (a) of the administrative code is amended to read:

Trans 31.03 (6) (a) An application which has been denied by BR&H RHS in accordance with sub. (5) (b) 1. may be resubmitted in compliance with this section.

SECTION 12. Trans 31.03 (6) (b) of the administrative code is amended to read:

Trans 31.03 (6) (b) An application which has been denied by BR&H RHS in accordance with sub. (5) (b) 2. or 3. may be resubmitted with the additional information identified in BR&H's RHS's letter denying the original application.

SECTION 13. Trans 31.03 (6) (c) of the administrative code is amended to read:

Trans 31.03 (6) (c) An application which has been denied by BR&H RHS in accordance with sub. (5) (b) 4. or 5. may not be resubmitted until after the sanctions imposed by s. Trans 31.07 (3) have expired.

SECTION 14. Trans 31.03 (8) of the administrative code is amended to read:

Trans 31.03 (8) Any permit issued by the department shall expire on the date specified by BR&H RHS. In no event shall a permit expire later than December 31 of the year in which the application proposes operation to commence.

SECTION 15. Trans 31.04 (1) (h) 2. of the administrative code is amended to read:

Trans 31.04 (1) (h) 2. All active grade-crossing warning devices are functional and can be operated by the equipment proposed to be used unless BR&H RHS waives this requirement in writing on the permit.

SECTION 16. Trans 31.04 (1) (k) 1. of the administrative code is amended to read:

Trans 31.04 (1) (k) 1. An Maintenance of an established escrow account approved by the department with a Wisconsin financial institution for the deposit of all amounts received from buyers in advance ticket sales.

SECTION 17. Trans 31.04 (1) (k) 2. of the administrative code is amended to read:

Trans 31.04 (1) (k) 2. A financial instrument, including a bond, a certificate of deposit, or an irrevocable letter of credit, from a Wisconsin financial institution in an amount sufficient to refund the expected advance payments for service and department administrative costs of processing refunds in the event that the excursion is not operated for any reason. The financial instrument described in this subdivision shall be established in favor of or made payable to the state, for the benefit of any buyer who does not receive a refund if performance of the event for which a ticket has been purchased has been cancelled or rescheduled. An applicant shall file with the department any agreement, instrument, or other document necessary to enforce the commitment against the sponsor or any relevant 3rd party.

SECTION 18. Trans 55.02 (2m) of the administrative code is created to read:

Trans 55.02 (2m) “Approach” means areas beyond the runway end intended to provide safe navigable airspace for aircraft arrivals and departures to and from a landing facility.

SECTION 19. Trans 55.06 (3) (a) of the administrative code is amended to read:

Trans 55.06 (3) (a) An airport owner shall maintain clear and safe runway protection zones as described in FAA advisory circular 150/5300-13, Airport Design, as amended, except for runway lighting fixtures, markers and metrological instruments whose locations are fixed by their functional purposes or a structure approved by the FAA. The owner shall establish positive control of the runway protection zones through the acquisition of fee title or ~~avigation~~ easement. The owner shall prevent the erection or creation of a structure or place of public assembly in the runway protection zone.

SECTION 20. Trans 55.06 (4) (a) of the administrative code is amended to read:

Trans 55.06 (4) (a) A public airport owner shall adopt the following ordinances within 6 months after ~~receipt of a sample ordinance~~ receiving notice from the secretary:

SECTION 21. Trans 55.06 (8) (c) of the administrative code is amended to read:

Trans 55.06 (8) (c) The airport layout plan and each amendment, revision or modification to the plan shall be subject to the approval of the secretary, ~~which approval shall be evidenced by the signature of a duly authorized representative of the secretary on the face of the airport layout plan.~~ The airport owner may not make or permit a change or alteration in the airport or in any of its facilities other than in conformity with the airport layout plan as approved by the secretary if the changes or alterations might adversely affect the safety, utility or efficiency of the airport.

SECTION 22. Trans 56.04 (3) (b) 3. of the administrative code is repealed and recreated to read:

Trans 56.04 (3) (b) 3. Latitude and longitude coordinates of the proposed structure.

SECTION 23. Trans 56.04 (3) (b) 4. of the administrative code is repealed.

SECTION 24. Trans 56.04 (3) (b) 5. to 9. of the administrative code are renumbered Trans 56.04 (3) (b) 4. to 8.

SECTION 25. Trans 56.05 (1) of the administrative code is amended to read:

Trans 56.05 (1) All marking and lighting shall be in accordance with the standards prescribed in the FAA publication, AC 70/7460-1H, "Obstruction Marking and Lighting," as amended latest FAA obstruction marking and lighting standards. The applicant shall comply with designated FAA and FCC marking and lighting.

SECTION 26. Trans 57.04 (1) (b) of the administrative code is amended to read:

Trans 57.04 (1) (b) A displaced threshold shall be marked similar to attached diagram B for runways with other than paved surfaces. Runways with paved surfaces shall be marked in accordance with the latest FAA advisory circular 150/5340-1G, "Standards for Airport Markings," September 27, 1993 marking standards. In addition, if the runway is lighted, ~~the displaced threshold it shall be lighted in accordance with FAA advisory circular 150/5340-24, "Runway and Taxiway Edge Lighting System," September 3, 1975. It applies to low intensity runway lighting systems and medium intensity systems the latest FAA lighting standards.~~

SECTION 27. Trans 57.05 (2) (f) of the administrative code is amended to read:

Trans 57.05 (2) (f) FR IFR and VFR traffic considerations. A certificate of site approval may be denied if the proposed site underlies the airspace in the primary approach area for an instrument approach, and the traffic pattern altitude conflicts with published altitudes for the approach.

SECTION 28. Trans 100.01 (2) (note) of the administrative code is amended to read:

Trans 100.01 (2) (note) For purposes of accident reporting, at least one car, truck, bus, or motorcycle must be in transport for the department to consider the accident reportable. For information on occupational licenses, see s. Trans 117.03 (2) (k). Forms used in this chapter are MV

3038 resolution authorizing power of attorney under ch. 344, Stats., MV 3039 minors release, MV 3041 release of liability, MV 3044 evaluation of property damage, MV 3045 evaluation of personal injuries, MV 3046 evaluation of motor vehicle damage, MV 3069 application for self-insurance, MV 3070 safety responsibility self-insurance certificate, MV 3100 notice of incomplete report, MV 3128 installment agreement to pay damages, MV 3343 compliance notification, MV 3347 emergency vehicle involvement, MV 3384 safety responsibility information, MV 3385 informational letter to injured party, and MV 3387 reinstatement instructions, MV 4000 Wisconsin motor vehicle accident report. Forms may be obtained, free of charge, from Wisconsin Department of Transportation, Traffic Accident Section, P.O. Box 7919, Madison, WI 53707-7919.

SECTION 29. Trans 100.03 (3) of the administrative code is amended to read:

Trans 100.03 (3) The department shall assume that all accident reports it receives from enforcement agencies or operators meet the reporting criteria of s. 346.70 (1), Stats., or the minimum requirements for safety responsibility act under s. ~~343.12~~ 344.12, Stats. An accident report filed by a police agency for an accident that is not reportable shall be returned to the reporting agency. A report from another source for an accident that is not reportable shall be discarded. If the department determines from credible evidence received, which could include property damage estimates or signed statements, that an accident that has been abstracted as part of a driver's record is not reportable, the accident will not be included in a public abstract of the driver's driver record maintained under s. 343.23, Stats.

SECTION 30. Trans 100.07 (1) (note) of the administrative code is repealed.

SECTION 31. Trans 100.07 (2) (a) of the administrative code is amended to read:

Trans 100.07 (2) (a) If the department determines that one or more people involved in an accident were uninsured, the department may mail evaluation reports to all other persons involved in the accident. ~~The date on which the department first mails evaluation reports to any person shall be considered the "mailing date" under this subsection. The department shall mail the evaluation reports to the address provided in the accident report.~~

SECTION 32. Trans 100.07 (2) (b) (intro.) and 2. (intro) of the administrative code are consolidated, renumbered Trans 100.07 (2) (b) (intro.) and amended to read:

Trans 100.07 (2) (b) (intro.) In determining the amount of security required: ~~2. The department may shall consider an evaluation report filed with the department more than 21 days after the mailing date if it meets all of the following requirements:~~

SECTION 33. Trans 100.07 (2) (b) 1. of the administrative code is repealed.

SECTION 34. Trans 100.07 (2) (b) 2. a. and b. of the administrative code are renumbered Trans 100.07 (2) (b) 1m. and 2m.

SECTION 35. Trans 100.07 (5) of the administrative code is amended to read:

Trans 100.07 (5) The department shall make a determination of the amount of security required for an accident within 90 days of receiving an accident report one year of the date of the accident, or at such later date as individual circumstances of an accident may require.

SECTION 36. Trans 100.07 (6) (b) 2. of the administrative code is repealed.

SECTION 37. Trans 100.07 (6) (b) 5. of the administrative code is created to read:

Trans 100.07 (6) (b) 5. The uninsured has complied with neither Trans 100.12 nor 100.13.

SECTION 38. Trans 100.08 (7) (b) of the administrative code is amended to read:

Trans 100.08 (7) (b) More than one year after the date of deposit or date of suspension, whichever is later earlier, has passed and no notice of the commencement of a court action has been filed by a party in interest. In calculating the time period under this subsection, any period of time a claimant was stayed from commencing an action against the owner, operator or bond because of a bankruptcy proceeding may not be considered.

SECTION 39. Trans 100.10 (7) of the administrative code is amended to read:

Trans 100.10 (7) Hearings shall be informal. Hearsay and documentary evidence may be received by the hearing examiner and relied upon as the basis for a decision. Telephone testimony Testimony of persons involved in the accident may not be permitted by telephone, electronic submission of documents, or other remote communication method.

SECTION 40. Trans 100.18 (1) (e) of the administrative code is amended to read:

Trans 100.18 (1) (e) More than 20 5 years from the entry date of the judgment have elapsed.

SECTION 41. Trans 106.02 (4) of the administrative code is repealed.

SECTION 42. Trans 106.02 (11) of the administrative code is amended to read:

Trans 106.02 (11) "Satisfactory driving record" means a driving record that does not contain moving violations which result in more than 6 demerit points within a one year period, by date of violation, or does not indicate that the applicant was, within one year, by date of violation, causally negligent in 2 or more traffic collisions or does not contain a conviction for OWI or any OWI-related charge within one year. Out-of-state traffic convictions and accidents shall be treated as though they occurred in Wisconsin.

SECTION 43. Trans 106.02 (12) of the administrative code is amended to read:

Trans 106.02 (12) "School" means an institution providing one or more of the programs defined in sub. (4), (5), (6) or (7) (8) and authorized under s. 345.60, Stats.

SECTION 44. Trans 106.03 (3) (a) of the administrative code is amended to read:

Trans 106.03 (3) (a) Only one group dynamics traffic safety school program may be certified in each WTC district unless the department determines that there is a need for additional programs in a district. This paragraph does not apply to a program provided by an accredited institution of higher education operated by a federally recognized American Indian tribe or band in this state.

SECTION 45. Trans 106.03 (4) (a) of the administrative code is amended to read:

Trans 106.03 (4) (a) Only one multiple offender traffic safety school program may be certified in each WTC district unless the department determines that there is a need for additional programs in a district. This paragraph does not apply to a program provided by an accredited institution of higher education operated by a federally recognized American Indian tribe or band in this state.

SECTION 46. Chapter Trans 113 (title) of the administrative code is amended to read:

CHAPTER TRANS 113

ADMINISTRATIVE SUSPENSION OF OPERATING PRIVILEGE FOR OPERATING A MOTOR VEHICLE WITH A PROHIBITED ALCOHOL CONCENTRATION OR A DETECTABLE AMOUNT OF A RESTRICTED CONTROLLED SUBSTANCE

SECTION 47. Trans 113.01 of the administrative code is amended to read:

Trans 113.01 Purpose and scope. As authorized by s. 85.16 (1), Stats., the purpose of this chapter is to establish the department's administrative interpretation of s. 343.305 (7) and (8), Stats., relating to arrest for operating with a prohibited alcohol concentration or a detectable amount of a restricted controlled substance, administrative suspension of operating privilege and reviews therefor. Section 343.305 (7) (a), Stats., authorizes the department to administratively suspend the operating privilege of a person whose test results indicate the presence of a detectable amount of a restricted controlled substance in the person's blood or a prohibited alcohol concentration.

SECTION 48. Trans 113.03 (intro.) of the administrative code is amended to read:

Trans 113.03 Law enforcement officer actions and information provided to driver. (intro.) If a person is tested for alcohol concentration or presence of a restricted controlled substance in accordance with s. 343.305, Stats., and test results indicate a prohibited alcohol concentration or presence of a restricted controlled substance, the law enforcement officer shall:

SECTION 49. Trans 113.03 (1) of the administrative code is repealed.

SECTION 50. Trans 113.04 (3) (c) of the administrative code is amended to read:

Trans 113.04 (3) (c) Whether the person had a prohibited alcohol concentration or a detectable amount of a restricted controlled substance at the time the offense allegedly occurred.

SECTION 51. Trans 113.04 (3) (e) of the administrative code is amended to read:

Trans 113.04 (3) (e) If one or more tests were administered in accordance with s. 343.305, Stats., whether each of the test results for those tests indicate the person had a prohibited alcohol concentration or a detectable amount of a restricted controlled substance.

SECTION 52. Trans 113.04 (8) of the administrative code is amended to read:

Trans 113.04 (8) If at any time the person submits written evidence from a facility certified by the state laboratory of hygiene and meeting the requirements of s. 885.235 (1), Stats., indicating the person did not have a prohibited alcohol concentration or a detectable amount of a restricted controlled substance, the suspension will be vacated.

SECTION 53. Trans 113.04 (9) (intro.) of the administrative code is amended to read:

Trans 113.04 (9) (intro.) If the examiner finds to a reasonable certainty by evidence that is clear, satisfactory and convincing that the criteria in s. 343.305 (8) (b), Stats., for administrative suspension have not been satisfied, or that the person did not have a prohibited alcohol concentration or a detectable amount of a restricted controlled substance at the time the offense allegedly occurred:

SECTION 54. Trans 113.04 (10) (intro.) of the administrative code is amended to read:

Trans 113.04 (10) (intro.) If the examiner finds to a reasonable certainty by evidence that is clear, satisfactory and convincing that the criteria for administrative suspension have been satisfied and that the person had a prohibited alcohol concentration or a detectable amount of a restricted controlled substance at the time the offense allegedly occurred:

SECTION 55. Trans 118.01 of the administrative code is amended to read:

Trans 118.01 Purpose and scope. The purpose of this chapter is to establish an employer notification program to permit an employer to register the name of an employee employee and be notified by the department whenever a conviction or suspension, revocation, cancellation, disqualification or out-of-service order is recorded on the driving record of the Wisconsin licensed employee employee and any other driving record information that the department may reasonably include in this program.

SECTION 56. Trans 118.01 (note) of the administrative code is amended to read:

Trans 118.01 (note) Authority for this chapter can be found at s. 343.247 (2), Stats. ~~Forms used in this chapter are MV3555 Employer Notification Customer Agreement and MV3556 Employee Enrollment Request. These forms are available from the Wisconsin Department of Transportation, Bureau of Driver Services, P.O. Box 7917, Madison, WI 53707.~~

SECTION 57. Trans 118.03 of the administrative code is amended to read:

Trans 118.03 Employer notification application requirements. Employer notification is obtained through the system used to access the public abstract of the driver's driving record maintained under s. 343.23, Stats. An application for the ~~employer notification program public abstract request system~~ shall be made to the department upon forms prescribed by the department; ~~shall be accompanied by the required fees as set forth in s. Trans 118.08 and shall include such information as the department reasonably requires.~~ The department may assign these duties to a 3rd-party designee.

SECTION 58. Trans 118.04 of the administrative code is amended to read:

Trans 118.04 Employer Customer account codes numbers. (1) ISSUANCE. The department shall issue an employer a customer account code number upon receipt of a properly completed ~~employer notification customer data access~~ agreement form and any other information that the department reasonably requires.

(2) USAGE. The department may require that the employer use the ~~employer customer~~ account code number for purposes of identification and invoicing procedures.

SECTION 59. Trans 118.05 (intro.) of the administrative code is amended to read:

Trans 118.05 Employer notification customer Electronic DMV records service data access agreement form. (intro.) The employer shall submit ~~an employer notification customer a data access~~ agreement form and any other information that the department reasonably requires under any of the following situations:

SECTION 60. Trans 118.05 (1) of the administrative code is amended to read:

Trans 118.05 (1) When the employer is submitting an original application for enrollment in the ~~employer notification program public abstract request system~~.

SECTION 61. Trans 118.05 (2) of the administrative code is repealed.

SECTION 62. Trans 118.05 (3) of the administrative code is amended to read:

Trans 118.05 (3) When the employer changes its agency name ~~or address, or both.~~

SECTION 63. Trans 118.05 (4) of the administrative code is amended to read:

Trans 118.05 (4) When the employer requests a renewal of registration for the ~~employer notification procedure~~ public abstract request system.

SECTION 64. Trans 118.06 (title) of the administrative code is amended to read:

Trans 118.06 (title) Employee Employee enrollment request form.

SECTION 65. Trans 118.06 (1) of the administrative code is amended to read:

Trans 118.06 (1) ~~EMPLOYEE~~ EMPLOYEE ENROLLMENT. An employer may enroll an ~~employee~~ employee in the employer notification program by ~~submitting a written request to the department entering the employee's information online through the public abstract request system~~.

SECTION 66. Trans 118.06 (2) of the administrative code is repealed.

SECTION 67. Trans 118.07 of the administrative code is amended to read:

Trans 118.07 Withdrawal of employees employees and employers. (1) ~~EMPLOYEE~~ EMPLOYEE WITHDRAWAL. An employer may withdraw an ~~employee~~ employee, and ~~shall withdraw a former employee, from the employer notification program by submitting a written request to the department. The written request shall contain the information set forth in s. Trans 118.06 (2) (a) to (f) removing the employee from the employer's public abstract request system online roster.~~

(2) EMPLOYER WITHDRAWAL. An employer may withdraw from the employer notification program by submitting a written request to the department. The request shall include the employer's name, account code, and any other information the department reasonably requires.

SECTION 68. Trans 118.08 (1) of the administrative code is amended to read:

Trans 118.08 (1) EMPLOYER INITIAL ENROLLMENT. The department shall register an employer in the employer notification program upon receipt of a properly completed ~~employer notification customer data access agreement form together with the proper fee~~. The registration of an employer in the public abstract request system employer notification program shall be issued for the calendar year and is valid only during the calendar year for which issued. For each account code issued to an employer, the fee shall be \$20 for an application submitted before July 1 of a year and \$10 for an application submitted on or after July 1 remain in effect for 4 years unless terminated early by the department or employer.

SECTION 69. Trans 118.08 (2) of the administrative code is amended to read:

Trans 118.08 (2) RENEWAL. At least ~~30~~ 60 days prior to the expiration of an ~~employer notification customer data access agreement form~~, the department shall ~~mail to the last known address of~~ notify the employer a notice of the date upon which the employer's registration fee must be paid and the new employer notification customer data access agreement form must be returned. An employer

who does not return the ~~renewal form and fee~~ by the date provided in the notice may be removed from the program. ~~The renewal fee for the employer notification program is \$20 per account code assigned to the employer.~~

SECTION 70. Trans 118.08 (3) to (6) of the administrative code are repealed.

SECTION 71. Trans 118.09 of the administrative code is repealed and recreated to read:

Trans 118.09 Payment. Employers shall make payments, in a manner determined by the department, at the time of requesting information.

SECTION 72. Trans 118.10 of the administrative code is amended to read:

Trans 118.10 Failure to comply with terms of program. The department may ~~not provide employer notification documents to an employer~~ suspend or terminate access to employer notification if the employer has failed to comply with any of the provisions of this chapter including, but not limited to, paying any ~~invoice or~~ fee when due.

SECTION 73. Trans 118.11 of the administrative code is repealed.

SECTION 74. Trans 118.12 (1) of the administrative code is amended to read:

Trans 118.12 (1) CONTENT. The employer notification document will contain all of the following information: be provided with an electronic copy of the employee's current driving record.

SECTION 75. Trans 118.12 (1) (a) to (f) of the administrative code are repealed.

SECTION 76. Trans 118.12 (2) of the administrative code is amended to read:

Trans 118.12 (2) SOURCE. The source of the information supplied to the employer ~~on the notification document~~ shall be limited to the data retained and available in the department's computer database for holders of Wisconsin driver's licenses ~~or identification cards~~.

SECTION 77. Trans 118.12 (3) of the administrative code is amended to read:

Trans 118.12 (3) ~~WHEN ISSUED~~ NOTIFIED. Employer Electronic notification documents will be issued provided when there is ~~any change~~ activity described in s. Trans 118.01 in the driver record maintained by the department for an enrolled driver employee.

SECTION 78. Trans 118.12 (3) (note) of the administrative code is amended to read:

Trans 118.12 (3) (note) No notification will be provided upon initial enrollment. Employers may obtain driver abstracts when hiring ~~employees~~ employees under ch. Trans 195.

SECTION 79. Trans 118.13 (title) of the administrative code is amended to read:

Trans 118.13 (title) Employee Employee and employer responsibilities.

SECTION 80. Trans 118.13 (1) of the administrative code is amended to read:

Trans 118.13 (1) ~~EMPLOYEE~~ EMPLOYEE RESPONSIBILITIES. Nothing in this chapter shall be construed to relieve the ~~employee~~ employee from the driver notification requirements described under s. 343.245 (2), Stats.

SECTION 81. Trans 118.14 of the administrative code is amended to read:

Trans 118.14 Construction of this rule. Nothing in this chapter shall be construed to relieve the applicant for ~~an employer notification document~~ a driver record from submitting a complete application ~~with the or payment of appropriate~~ fees described in this chapter. In the event of a conflict between the provisions of ch. Trans 195 and the provisions of this chapter, the provisions of this chapter shall control.

SECTION 82. Trans 130.03 (1) (g) of the administrative code is amended to read:

Trans 130.03 (1) (g) The signature of the person or, if applicable, the signature of anyone authorized to sign for the applicant, including a health care specialist. A signature under this paragraph includes an electronic signature, as defined in s. 137.11 (8), Stats.

SECTION 83. Trans 131.01 (2) (note) of the administrative code is amended to read:

Trans 131.01 (2) (note) Forms used in this chapter are MV 2016, substitute renewal notice; ~~MV 2470, vehicle inspection report;~~ MV 2472, application for letter of temporary exemption from emission test requirements; ~~MV 2588, exchanged engine certificate;~~ MV 2594, quality assurance inspection report. Copies can be obtained from the Wisconsin Department of Transportation, Dealer and Agent Section, P. O. Box 7909, Madison, WI 53707-7909.

SECTION 84. Trans 131.02 (15) (note) of the administrative code is amended to read:

Trans 131.02 (15) (note) All references made to the Federal Rule in this document are to 40 CFR Part 51, Subpart S Inspection/Maintenance Program Requirements; Final Rule dated November 5, 1992, as amended through ~~January 1, 2001~~ April 7, 2006.

SECTION 85. Trans 131.02 (24) of the administrative code is amended to read:

Trans 131.02 (24) "Inspection station" means an inspection facility operated by a party, or a subcontractor of the party, under contract with the department for the purpose of conducting vehicle emission inspections required by s. 110.20, Stats.

SECTION 86. Trans 131.02 (38) of the administrative code is amended to read:

Trans 131.02 (38) "Recognized automotive emission repair technician" means a person who has received and has proof of formal training in both diagnosis and repair of automotive engines and related systems and who is in good standing with the department and in compliance with this chapter and s. 110.20, Stats.

SECTION 87. Trans 131.02 (39) of the administrative code is amended to read:

Trans 131.02 (39) "Recognized repair facility" means a franchised new car dealer or other business with a Wisconsin sales tax number that performs emission repairs as a regular part of its business activities and, that employs at least one recognized automotive emission repair technician, and that is in good standing with the department and in compliance with this chapter and s. 110.20, Stats.

SECTION 88. Trans 131.02 (45) of the administrative code is amended to read:

Trans 131.02 (45) "Technical assistance center" means either a separate contractor or subcontractor facility or a portion of an inspection station which, under the direction of a master automotive technician, is equipped to perform both emission inspections and complete diagnostic evaluations of nonexempt vehicles.

SECTION 89. Trans 131.02 (54) of the administrative code is amended to read:

Trans 131.02 (54) "Vehicle inspection report" means a ~~serially-numbered~~ document issued at an inspection station or authorized inspection facility or technical assistance center or by an inspector designated by the department to perform the functions of a technical assistance center at the time of vehicle inspection, indicating that the vehicle has been inspected in accordance with the provisions of this chapter, and may include data reported electronically.

SECTION 90. Trans 131.03 (6) (d) 5. of the administrative code is amended to read:

Trans 131.03 (6) (d) 5. If the inspection computer system is not able to download the vehicle OBD II records, the OBD inspection shall be aborted, and the vehicle shall be reinspected with an OBD II inspection in a separate inspection facility inspection lane.

SECTION 91. Trans 131.03 (12) of the administrative code is amended to read:

Trans 131.03 (12) RECONSTRUCTED AND HOMEMADE VEHICLES. Any nonexempt vehicle registered as reconstructed or homemade under s. 341.268, Stats., shall be inspected for compliance with requirements applicable to the model year of the vehicle as indicated on the vehicle's registration documents, unless the owner ~~both~~ requests that the vehicle be inspected by engine year ~~and provides a completed MV2588, exchanged engine certification form, to the waiver investigator.~~ In addition, the vehicle owner shall locate the engine number on the engine for purposes of engine year verification by the waiver investigator.

SECTION 92. Trans 131.03 (15) (a) (intro.) of the administrative code is amended to read:

Trans 131.03 (15) (a) (intro.) The operator of each vehicle inspected shall receive a vehicle inspection report, ~~MV 2470~~, at the conclusion of the inspection. The vehicle inspection report data may also be reported electronically. The inspection report, or the vehicle inspection report data reported electronically, shall indicate:

SECTION 93. Trans 131.03 (15) (b) of the administrative code is amended to read:

Trans 131.03 (15) (b) Each operator of a vehicle failing or rejecting the inspection shall receive an inspection report supplement containing repair, reinspection and waiver application instructions, as well as information on the possible causes of failure or rejection found during the inspection.

SECTION 94. Trans 131.03 (15) (c) of the administrative code is amended to read:

Trans 131.03 (15) (c) Each operator of a vehicle failing or rejecting the initial inspection shall receive a list of ~~recognized automotive emission repair technicians and~~ recognized repair facilities by area which includes information required under s. Trans 131.15. This listing may include other consumer information useful in obtaining vehicle emission repair service.

SECTION 95. Trans 131.07 (1) (c) of the administrative code is amended to read:

Trans 131.07 (1) (c) The operator presents payment to the contractor of a monetary fee ~~as determined if required~~ by contract.

SECTION 96. Trans 131.08 (2) of the administrative code is amended to read:

Trans 131.08 (2) APPLICATION. The department shall provide an application form, MVD2472, on which the vehicle owner or lessee shall state ~~their~~ his or her name, permanent address, temporary address, if used, and daytime telephone number and may allow application in any other manner. The vehicle owner or lessee shall identify the vehicle involved, provide the reason for requesting a letter of temporary exemption, certify that the vehicle is unavailable for emission inspection, and state the date when the vehicle will again be operated within a Wisconsin county subject to the emission inspection requirements of this chapter.

SECTION 97. Trans 131.11 (1) (a) of the administrative code is amended to read:

Trans 131.11 (1) (a) All contractor and subcontractor inspection functions, including those occurring at the inspection stations, other authorized inspection facilities, technical assistance centers or other facility by an inspector designated by the department to perform the functions of a technical assistance center, and vehicles used to conduct remote sensing, shall be audited on an unscheduled basis, at a minimum, according to the frequency established in the federal rule.

SECTION 98. Trans 131.15 (3) (b) of the administrative code is amended to read:

Trans 131.15 (3) (b) Beginning in the third month of the vehicle emission inspection program, the contractor shall produce a summary report of the performance of local repair facilities that have repaired vehicles for reinspection. The report shall be provided to the motorist at the time of initial vehicle emission inspection failure.

~~The report shall be updated on a quarterly basis or made available on the contractor's Internet site.~~

SECTION 98m. Trans 139.06 (8) of the administrative code is repealed.

SECTION 99. Trans 142.07 (4) (e) of the administrative code is created to read:

Trans 142.07 (4) (e) 1. Each dealer maintains a permanent facility in this state in the manner required by sub. (1), except as provided in subd. 2.

2. The department may exempt a dealer from the facility requirement in subd. 1., but not from any other requirement of state law, if the dealer is selling recreational vehicles at a rally or show sponsored by an established state, national, or international recreational vehicle association with a minimum membership of 100 members. An exemption under this paragraph may not be granted by the department more than once in any 4-year period. Any license issued by the department containing the exemption described in this paragraph shall be limited to one specific event and may not exceed 10 days' duration. An exemption granted under this paragraph will not exempt a dealer from geographic sales restrictions contained in a dealer franchise agreement or other private contractual obligation.

SECTION 100. Chapter Trans 145 of the administrative code is repealed.

SECTION 101. Trans 146.04 (4) of the administrative code is repealed.

SECTION 102. Trans 157.05 (1) (note) of the administrative code is amended to read:

Trans 157.05 (1) (note) Forms MV1, Application for Title/Registration, MV2493 MV2488, Vehicle Transfer and Odometer Disclosure Mileage Statement, and MV2790, Trustee's Application for Certificate of Title, can be ordered from DOT Materials Management, 3617 Pierstorff, Madison, WI 53704 or (608) 246-3262 or obtained at a motor vehicle services center. In cases involving the sale of titled vehicles, the Odometer Disclosure Statement on the reverse side of the certificate of title should be used.

SECTION 103. Trans 175.09 of the administrative code is repealed.

SECTION 104. Trans 178.03 (1) (intro.) of the administrative code is amended to read:

Trans 178.03 (1) (intro.) Except as provided in sub. (2), as provided in 49 CFR 367.20 part 367, subpart B, fees for registration year 2010 and thereafter are as follows:

SECTION 105. Trans 200.07 (2) (title) of the administrative code is amended to read:

Trans 200.07 (2) (title) SIGN DESCRIPTION DESIGN.

SECTION 106. Trans 200.07 (2) (intro.) of the administrative code is created to read:

Trans 200.07 (2) (intro.) For highways open to public travel, signs shall conform to the following requirements:

SECTION 107. Trans 200.07 (2) (a) of the administrative code is amended to read:

Trans 200.07 (2) (a) The sign shall consist of a white rectangle with longer dimension vertical, having green message, a green arrow, if required under this section, and a blue and white international symbol for the barrier-free environments. The sign ~~may~~ shall be reflective ~~or non-reflective~~.

SECTION 108. Trans 200.07 (2m) of the administrative code is created to read:

Trans 200.07 (2m) ALTERNATIVE SIGN DESIGN. For parking lots, signs shall be of the design under sub. (2) or a design containing all of the following:

(a) The sign shall contain the international symbol for accessibility, the international symbol for barrier-free environments (wheelchair symbol on a square), or a visually similar symbol. The symbol shall be within a square not less than 5 inches on a side.

(b) The sign shall contain either green or blue text on a white background or white text on a blue background.

(c) The sign shall contain text stating “disabled parking,” “handicapped parking,” “reserved parking,” or the amount of the forfeiture for parking in violation of the sign.

SECTION 109. Trans 200.07 (4) of the administrative code is repealed.

SECTION 110. Trans 206.03 (11) (d) of the administrative code is amended to read:

Trans 206.03 (11) (d) ~~No~~ Except as provided in s. 86.31 (4), Stats., no federal aid funds shall be used as the local match for an eligible project.

SECTION 111. Trans 207.02 (3) of the administrative code is amended to read:

Trans 207.02 (3) In addition to complying with these standards, it may be necessary for constructing authorities to obtain permits from federal agencies such as the U.S. coast guard and the U.S. ~~army corps of engineers~~ Army Corps of Engineers.

SECTION 112. Chapter Trans 210 (title) of the administrative code is amended to read:

CHAPTER TRANS 210 MAJOR HIGHWAY PROJECT NUMERICAL EVALUATION PROCESS

SECTION 113. Trans 210.01 of the administrative code is amended to read:

Trans 210.01 Purpose. In accordance with s. 85.05, Stats., this chapter sets forth the process and criteria used by the department to ~~numerically~~ evaluate projects considered for enumeration. This process for evaluating candidate major highway projects is used to advise the transportation projects commission. ~~This chapter establishes a minimum score that a project shall meet or exceed in order to be eligible for recommendation to the transportation projects commission.~~

SECTION 114. Trans 210.02 of the administrative code is amended to read:

Trans 210.02 Applicability. ~~The procedures in this~~ This chapter shall be applied to projects being considered for enumeration as major highway projects by the department.

SECTION 115. Trans 210.03 (4) of the administrative code is repealed.

SECTION 116. Trans 210.05 (intro.) of the administrative code is renumbered Trans 210.05 and amended to read:

Trans 210.05 Minimum benefit requirement. ~~Proposed major highway projects having traffic flow or safety deficiencies shall receive a minimum requirement score of 10 points will require a benefit-cost analysis consistent with the department's best practice methodologies. Only these those projects generating a benefit-cost ratio of at least 1.0 shall be eligible for recommendation to the transportation projects commission. Traffic flow or safety deficiencies shall exist if either of the following conditions are satisfied:~~

SECTION 117. Trans 210.05 (1), (1) (note), (2) and (2) (b) (note) of the administrative code are repealed.

SECTION 118. Trans 210.06 of the administrative code is repealed.

SECTION 119. Trans 210.065 of the administrative code is created to read:

Trans 210.065 Measures. The department shall use its best practices to evaluate and recommend major highway projects to the transportation projects commission. Best practice analytical techniques shall include a detailed review of a project's ability to enhance Wisconsin's economy, improve highway mobility and safety, minimize environmental impacts, and serve community objectives. The measurement techniques used to evaluate these goals is continually evolving and improving with expanding data sources and analytical techniques. The evaluation is expected to include the following goals and objectives:

(1) IMPROVING HIGHWAY SAFETY. Major highway projects play an important role in improving the safety of Wisconsin's highways. Reducing the number of fatalities and injury crashes as well as the property and freight losses associated with these crashes is a primary goal of the department. A crash analysis shall be performed to determine the number and severity of the crash problems on the affected highway.

(2) ENHANCING WISCONSIN'S ECONOMY. Major highway projects shall be evaluated to determine their ability to enhance Wisconsin's economy. A key component is estimated lower travel costs, which serve to increase the competitiveness of existing businesses and enhance Wisconsin's ability to maintain and compete for jobs. The department shall use benefit-cost analysis procedures as the primary foundation of this evaluation to determine the economic viability of candidate projects. The benefit-cost analysis shall demonstrate that the reductions in travel costs exceed the costs of design, construction, and

long-term rehabilitation and maintenance costs of the facility. The analysis of reduced travel costs shall include estimated travel time savings, safety savings, and vehicle operating cost savings. Additionally, the analysis shall carefully consider critical supply chain corridors to support projects that are most critical for maintaining and preserving an efficient and reliable network for manufacturers and shippers. The economic analysis shall also consider those areas of Wisconsin that are projected to have more growth in the amount of employment and tourism.

(3) IMPROVING TRAFFIC FLOW. Major highway projects play a significant role in improving traffic flow and reducing highway congestion. Reducing highway congestion improves highway efficiency by reducing the total hours of vehicle delay, and also improves travel reliability for individuals and businesses. An evaluation of traffic flow needs on the corridor shall be used to demonstrate the level and extent of recurring congestion and the variability in nonrecurring congested conditions on the corridor. Recurring congestion results from regular peak period conditions where the roadway is inadequate for the volume of vehicles. Nonrecurring congestion exists when wide fluctuations in travel times occur due to events such as incidents, bad weather conditions, special events, holiday traffic, and work zones.

(4) SERVING COMMUNITY OBJECTIVES. Overall community support is critical for the proposed major highway project. The level of community support shall be demonstrated using the results of the comprehensive public outreach and involvement that occurs during the detailed environmental document process (National Environmental Policy Act and/or Wisconsin Environmental Policy Act).

(5) MINIMIZING ENVIRONMENTAL IMPACTS. The evaluation process recognizes that major highway projects can have effects on the quality of the human environment in the regions they serve. The environmental evaluation shall be based on the results of the detailed environmental document process (National Environmental Policy Act and/or Wisconsin Environmental Policy Act).

SECTION 120. Trans 210.07 of the administrative code is repealed.

SECTION 121. Trans 210.08 of the administrative code is repealed.

SECTION 122. Trans 233.08 (2) (c) 5. of the administrative code is amended to read:

Trans 233.08 (2) (c) 5. State trunk highways and connecting highways with current and forecasted congestion projected to be worse than level of service "C," as determined under s. Trans 210.05 (1), within the following "C." Department engineers shall use appropriate methodologies to determine the projected level of service that is predicted to exist 20 years from the year of the analysis.

SECTION 123. Trans 233.11 (3) (b) 4. of the administrative code is amended to read:

Trans 233.11 (3) (b) 4. Whether the current and forecasted congestion of the abutting highway is projected to be worse than level of service "C," as determined under s. Trans 210.05 (1), within the following "C." Department engineers shall use appropriate methodologies to determine the projected level of service that is predicted to exist 20 years from the year of the analysis.

SECTION 124. Trans 252.06 (1) of the administrative code is amended to read:

Trans 252.06 (1) An escort vehicle which is a marked police squad car or unmarked police patrol vehicle equipped with clearly visible red and blue lighting to the front and rear, as defined in s. 347.25 (1m) (a) and (b), Stats., is exempt from the vehicle, flag and sign and equipment requirements of s. Trans 252.05 (1) and (2). Normal police red or blue emergency lights shall be deemed to satisfy the warning lamps requirement of s. Trans 252.05 (3).

SECTION 125. Trans 253.01 of the administrative code is amended to read:

Trans 253.01 Purpose. The purpose of this chapter is to establish standards and procedures for the issuance of overweight and oversize permits for the transportation of commodities and goods in Wisconsin, within 11 miles of the Wisconsin-Michigan border and upon certain highways, pursuant to s. 348.27 (9) (a), Stats.

SECTION 126. Trans 253.02 of the administrative code is amended to read:

Trans 253.02 Definitions. Unless otherwise stated, the definitions of words and phrases in ss. 340.01 and 348.01 (2), Stats., and s. Trans 250.02 apply to this chapter. In this chapter, "permit" means multiple trip overweight or oversize permits authorized under s. 348.27 (9) (a), Stats., which includes permit pages, copies of all written approvals for movement on local highways, a copy of this chapter, a copy of ch. Trans 251, and any other written conditions of movement issued by the department.

SECTION 127. Trans 253.04 (intro.) (except Trans 253.04 (title)) and (1) of the administrative code are repealed.

SECTION 128. Trans 253.04 (1m) of the administrative code is created to read:

Trans 253.04 (1m) An application for a permit shall be submitted to an issuing authority on a form approved by the department and in accordance with s. 348.27, Stats., and shall include all requested information, including the applicant's electronic mail address.

SECTION 129. Trans 253.04 (2) of the administrative code is repealed.

SECTION 130. Trans 253.04 (3) of the administrative code is amended to read:

Trans 253.04 (3) The An application for a permit shall include the date on which the applicant seeks to have the permit first become valid, not more than 60 days later than the date of application.

SECTION 131. Trans 253.04 (4) to (8) of the administrative code are repealed.

SECTION 132. Trans 253.04 (9) of the administrative code is amended to read:

Trans 253.04 (9) For An application for a permit shall include, for each local road or county highway permitted under s. Trans 253.06 (4) on which the applicant seeks authority to operate, written proof that permission for operation has been granted by the officer in charge of the maintenance of the highway.

SECTION 133. Trans 253.04 (10) of the administrative code is created to read:

Trans 253.04 (10) An application for a permit for the use of a state trunk highway shall be made to the department in any of the following ways:

- (a) In person, at the department's central office.
- (b) By mail, addressed to the department's central office.
- (c) By facsimile machine to the department's oversize and overweight permit system.

SECTION 134. Trans 253.04 (10) (c) (note) (insert before existing Trans 253.04 notes 1 and 2) of the administrative code is created to read:

Trans 253.04 (10) (c) (note) This permit is currently not available online; however, the department will accept applications submitted by facsimile machine.

SECTION 135. Trans 253.04 (notes 1 and 2) of the administrative code are amended to read:

Trans 253.04 Permit application. (note 1) Applications are available upon request from the ~~Motor Carrier Services Section~~ Section Oversize and Overweight Permit Unit Section of the Wisconsin Department of Transportation, 4802 Sheboygan Avenue, P.O. Box 7980, Madison, WI 53707.

(note 2) Permit application procedures are specified in s. Trans 250.025. A permit application may be submitted in person or by mail or facsimile machine to the ~~Motor Carrier Services Section~~ Section Oversize and Overweight Permit Unit Section. The ~~Motor Carrier Services Section~~ Section Oversize and Overweight Permit Unit Section of the Wisconsin Department of Transportation is located at 4802 Sheboygan Avenue, ~~Room 451~~, P.O. Box 7980, Madison, WI 53707.

SECTION 136. Trans 253.045 of the administrative code is created to read:

Trans 253.045 Permit amendments. (1) An application for an amendment to a permit shall be made to the issuing authority that issued the original permit.

(2) An application for an amendment may be made in the same manner as an application for an original permit.

(3) The request shall specify the permit number of the permit to be amended.

(4) If the request involves streets or highways other than those within the state trunk highway system, the application for an amendment shall be accompanied by

a written statement of route approval by the officer in charge of maintenance of the other street or highway.

SECTION 137. Trans 253.05 (2) of the administrative code is amended to read:

Trans 253.05 (2) TRANSPORTATION IN LIMITED GEOGRAPHIC AREA. The application may not seek authority to transport any commodity or goods on any highway located more than 11 miles from the Wisconsin-Michigan border or upon any highway or highway route not specified under s. 348.27 (9), Stats.

SECTION 138. Trans 253.05 (5) of the administrative code is amended to read:

Trans 253.05 (5) MAXIMUM GROSS ~~WEIGH~~ WEIGHT. The vehicle, including any load, may not exceed ~~154,000~~ 164,000 pounds gross weight.

SECTION 139. Trans 253.06 (4) of the administrative code is repealed.

SECTION 139m. Trans 253.06 (4m) of the administrative code is created to read:

Trans 253.06 (4m) CLASS "B" HIGHWAYS. The vehicle is not operated upon a class "B" highway, as classified in accordance with s. 348.16, Stats., with a gross weight exceeding that permitted by statute on class "B" highways unless written permission has first been obtained from the officer in charge of the maintenance of the highway.

SECTION 140. Trans 253.06 (6) of the administrative code is amended to read:

Trans 253.06 (6) PERMIT CARRIED ON VEHICLE. The driver carries the permit ~~with attached local road approval letters~~ in the vehicle and available for inspection by any police officer, representative of the department or any local authority or person in charge of maintaining the highway being used.

SECTION 141. Trans 253.06 (16) of the administrative code is amended to read:

Trans 253.06 (16) ADVERSE WEATHER AND ROAD CONDITIONS. A permit is not valid during periods when adverse weather or road conditions, such as fog, smoke, heavy rain, snow or ice, or wind velocity, impair the safety of a movement under the permit. The department may suspend a permit or any of the conditions of a permit because of seasonal highway conditions.

SECTION 142. Trans 253.065 (title) of the administrative code is amended to read:

Trans 253.065 (title) Times of operation; permit conditions.

SECTION 143. Trans 253.065 (2) and (3) of the administrative code are repealed.

SECTION 144. Trans 253.065 (4) of the administrative code is amended to read:

Trans 253.065 (4) The department ~~may issue a permit for times other than those specified in sub. (1), (2) or (3), under extraordinary circumstances when, in the opinion of the department, public health and welfare is better~~

served, and may impose additional conditions on a permit to promote the safe operation of the vehicle and load.

SECTION 145. Trans 310.01 (2) of the administrative code is amended to read:

Trans 310.01 (2) This chapter applies to the use of safety restraint systems or safety belts by children under the age of 8, being transported in a motor vehicle. ~~The term motor vehicle includes, but is not limited to, automobiles, station wagons, vans, trucks and motor homes.~~

SECTION 146. Trans 310.04 (1) and (2) of the administrative code are consolidated, renumbered Trans 310.04 and amended to read:

Trans 310.04 No person subject to the provisions of s. 347.48 (2m) (c) and (4) (am), Stats., may transport a child under the age of ~~4~~ 8 in a motor vehicle unless the child is properly restrained in a child safety restraint system. (2) ~~No person subject to the provisions of s. 347.48 (2m) (c) and (4) (as) 4., Stats., may transport a child who is at least 4 years old but less than 8 years old in a motor vehicle unless the child is properly restrained in a child safety restraint system or a safety belt transported in a manner compliant with s. 347.48 (4) (as), Stats.~~

SECTION 147. Trans 310.04 (note) of the administrative code is repealed.

SECTION 148. Trans 310.05 (1) of the administrative code is amended to read:

Trans 310.05 (1) A child under the age of 8 who, because of a medical condition, body size or a physical disability, is incapable of being transported in a child safety restraint system, may be transported without a safety restraint system or safety belt providing:

SECTION 149. Trans 315.01 (2) of the administrative code is amended to read:

Trans 315.01 (2) This chapter applies to all persons who are at least ~~4~~ 8 years old and are subject to the safety belt installation and usage requirements of s. 347.48, Stats.

SECTION 150. Trans 315.03 (1) of the administrative code is amended to read:

Trans 315.03 (1) A person who is at least ~~4~~ 8 years old is exempted from the provisions of s. 347.48 (2m), Stats., if the person cannot be properly restrained in a safety belt because of a physical or medical condition providing:

SECTION 151. Trans 315.03 (2) of the administrative code is amended to read:

Trans 315.03 (2) A person at least ~~4~~ 8 years old being transported in an authorized emergency vehicle as defined in s. 340.01 (3), Stats., when the vehicle is being operated in the performance of official duties, may be transported without a safety belt when the physical or medical needs of the person make restraint by safety belt unreasonable.

SECTION 223. Trans 401.04 (28) of the administrative code is amended to read:

Trans 401.04 (28) "Section 404 permit" means a permit issued by the U.S. ~~army corps of engineers~~ Army Corps of Engineers under 33 USC 1344 of the clean water act, as amended.

SECTION 224. Trans 510.08 (2) (intro.), (a) and (b) of the administrative code are consolidated, renumbered Trans 510.08 (2) and amended to read:

Trans 510.08 (2) A jobs guarantee with the local governing body shall be part of the project agreement when deemed necessary by the department in order to protect the public interest. The local governing body shall, in turn, be encouraged to develop a similar agreement with the economic development project. The jobs guarantee shall obligate the local governing body to reimburse the department for up to the full amount of the grant if ~~either of the following occurs: (a) The guaranteed number of direct jobs associated with the economic development project do not result within 3 years of the date the project agreement is executed. (b) The~~ the guaranteed number of direct jobs associated with the economic development project do not exist ~~7~~ 5 years after the date the project agreement is executed. The base number of jobs to be used for comparison shall be established on the date funds are awarded. Verification of the number of direct jobs associated with the economic development project shall be made utilizing information available from the department of workforce development and other sources.

SECTION 225. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of section Trans 146.04 (4) of the administrative code takes effect on January 1, 2016.